IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1029 OF 2006.

The State of Maharashtra. ... Appellant.
Versus.
Eknath Khandu Mate & others. ... Respondents.

Shri A.R.Patil, A.G.P. for the Appellant.

Ms.Smita Mane i/by Shri P.B,Shah for the Respondents Nos.1, 2, 5 to 7.

CORAM : ABHAY S.OKA, J.

DATED : 26th July, 2006.

P.C.:

1. The Appeal already stands abated as against the Respondents Nos.3 and 4. In this Appeal challenge is to the Judgment and award made under section 18 of the Land Acquisition Act, 1894. The Respondents Nos.1 to 7 are the claimants in the said reference proceedings in whose favour award has been made. By the very nature of the Award it is joint and indivisible in favour of the Respondents. As a result of abatement of the appeal as against the Respondents Nos.3 and 4, the Award has attained finality as against the Respondents Nos.3 and 4. Even if the Appellant has a case on merits in the appeal,there cannot be two inconsistent Awards. Hence in view of the abatement of the Appeal as against the Respondents Nos.3 and 4, the same does not survive and is dismissed. No order as to costs.

Judge.